

# Salve Regina University

## Policy on Pregnancy and Parental Status

### ***I. Policy Summary***

The University prohibits discrimination on the basis of sex in employment and in educational programs and activities, including discrimination based on a student or employee's parental status or current, potential, or past pregnancy or related conditions. Students and employees who are pregnant or experiencing pregnancy-related conditions are able to access accommodations, as appropriate.

This Policy applies to all students, faculty, and staff at the University, as well as all aspects of the University's programs, including, but not limited to, employment, admission, educational programs, and extracurricular activities.

### ***II. Offices Affected by this Policy***

The University's Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator oversees the implementation of this Policy and is available to address any questions about this Policy. Office of the Dean of Students/Title IX and Anti-Discrimination partners with the Office of Student Accessibility Services and the Office of Human Resources to implement accommodations related to pregnancy and pregnancy-related conditions.

### ***III. Definitions***

***Parental Status:*** Means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: 1) a biological parent, 2) an adoptive parent, 3) a foster parent, 4) a stepparent, 5) a legal custodian or guardian, 6) in loco parentis with respect to such person, or 7) actively seeking legal custody, guardianship, visitation, or adoption of such person.

***Pregnancy and Pregnancy-Related Conditions:*** May include, but are not limited to: 1) pregnancy, childbirth, termination of pregnancy, or lactation, 2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation,<sup>1</sup> or 3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions. The prohibition against discrimination based on pregnancy or related conditions includes current, potential, or past pregnancy or related conditions.

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<sup>1</sup> Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation include, but are not limited to: pregnancy-related fatigue; dehydration (or the need for increased water intake); nausea (or morning sickness); increased body temperature; anemia; and bladder dysfunction; gestational diabetes; preeclampsia; hyperemesis gravidarum (severe nausea and vomiting); pregnancy induced hypertension (high blood pressure); infertility; recovery from childbirth, miscarriage, or abortion; ectopic pregnancy; prenatal or postpartum depression; and lactation conditions, such as swelling or leaking of breast tissue or mastitis. The Department of Education interprets "termination of pregnancy" to include, for example, abortion, miscarriage, or stillbirth. Additionally, the prohibition against discrimination based on pregnancy or related conditions includes current, potential, or past pregnancy or related conditions.

*Reasonable Accommodations:* Changes in the academic environment, work environment, or other University operations (i.e., athletics and extra-curricular activities) that enable pregnant individuals and individuals with pregnancy-related conditions, to continue to pursue their employment, their studies, and enjoy the benefits and opportunities of the University. Accommodations are designed to address the impact of pregnancy-related medical conditions on the individual's access to programs and activities at the University; they are not designed to address routine needs of parents such as childcare, housing, or travel.

#### ***IV. Policy***

##### **a. Prohibition of Discrimination, Harassment, and Retaliation Based on Pregnancy and Parenting Status; Filing Complaints**

###### **1) Discrimination**

The University prohibits discrimination based on sex, including discrimination because of parental status or current, potential, or past pregnancy or related conditions. Discrimination includes, but is not limited to: a failure to comply with the employee responsibilities set forth herein; a failure provide the reasonable accommodation or modification issued by the University; denying an individual a benefit or opportunity of the University or treating an individual differently based on their pregnancy or parenting status (unless such treatment is pursuant to this Policy, such as a reasonable accommodation); or a refusal to cooperate with the office determining and implementing reasonable accommodations. The University shall not apply any rule related to an individual's pregnancy or pregnancy related conditions that treats individuals differently solely based on their pregnancy or pregnancy related conditions, except as permitted by law or necessary to effectuate the purpose of this Policy (For example, the University may allow a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity which is comparable to that offered to students who are not pregnant and do not have related conditions.).

###### **2) Harassment**

The University prohibits harassment based on sex, including harassment because of parental status, pregnancy, or pregnancy-related conditions. Harassing conduct can take many forms, including verbal acts and name-calling, graphic and written statements, and other conduct that may be humiliating or physically threatening or harmful. Actions that could constitute prohibited harassment include making derogatory or sexual comments or jokes about an individual's pregnancy, calling a pregnant student sexually charged names, spreading rumors about the pregnant student's sexual activity, and making sexual propositions or gestures.

###### **3) Retaliation**

Retaliation against an individual for exercising the rights articulated by this Policy is prohibited. Retaliation includes, but is not limited to, imposing or threatening to impose negative educational outcomes because a student or employee requests leave or accommodation, files a complaint, or otherwise exercises their rights under the Policy.

###### **4) Reports and Complaints**

Discrimination, harassment, and retaliation based on parental status, pregnancy, or pregnancy-related conditions implicate the University's prohibition against sex discrimination and the University's Title IX Sexual and Gender-Based Harassment Policy & Grievance Procedures ("Title IX Policy"). Individuals who believe they have experienced discrimination, harassment, or retaliation based on their parental status, pregnancy, or pregnancy-related condition, should report such actions or submit a complaint to the Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator, as set forth in Section VI below. Complaints and reports related to this Policy will be evaluated and processed according to the Title IX Policy.

## **b. Employee Responsibilities**

### **1) Accommodations**

- Employees must cooperate with any requests by the appropriate office (Office of the Dean of Students/Title IX and Anti-Discrimination), Office of Student Accessibility Services, or Office of Human Resources) to assist with determining and providing accommodations for a student or employee.
- When an employee is provided with written notification of an accommodation for another individual that relates to the employee's class, office, or program, the employee must comply with the notice and provide the accommodations. Employees must keep such information confidential.
- Employees may not provide any reasonable accommodations to a student or employee unless such accommodation has been determined by the appropriate office and provided to the employee in writing.

## **c. Reasonable Accommodations for Pregnancy and Pregnancy-Related Conditions**

The University may make reasonable accommodations to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the University's education program or activity. Reasonable accommodations will be based on the student or employee's individualized needs. An accommodation that would fundamentally alter the nature of the University's program or activity is not a reasonable accommodation. The student or employee has the discretion to accept or decline each reasonable accommodation offered.

Reasonable accommodations may include, but are not limited to:

- Breaks during class or work to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom.
- Intermittent absences to attend medical appointments
- Access to online or homebound education
- Changes in schedule or course sequence
- Extensions of time for coursework and rescheduling of tests and examinations
- Allowing the individual to sit or stand, or carry or keep water nearby
- Counseling

- Changes in physical space or supplies (e.g., a larger desk or footrest)
- Elevator access
- Temporary mobility supports (e.g., wheelchair, cane) to ensure physical accessibility to campus;
- Telework;
- Temporary reassignment of job duties;
- Temporary suspension of one or more essential functions of a job;
- Light duty or help with lifting or other manual labor;
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth, or
- Granting medically necessary leave or implementing incomplete grades for classes that will be resumed at a future date.

Due to inherent differences between positions, activities, and academic learning objectives, accommodations may vary. For example, what may be possible in one class (e.g., multiple absences from class, online education) may not be feasible in another class because such accommodation would fundamentally alter the nature of the course or activity (e.g., laboratory work).

Assistance for students is provided by the Office of the Dean of Students/ Title IX and Anti-Discrimination the Office of Student Accessibility Services. Assistance for employees is provided by the Office of Human Resources.

Individuals should make a request for assistance as soon as they are aware they are pregnant, have pregnancy-related conditions, or may need an accommodation. The University is limited in its ability to impact or implement accommodations retroactively.

### 1) Students

Students will be allowed to voluntarily access any separate and comparable portion of the University's education program or activity. In addition, students will be allowed to voluntarily take a leave of absence to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the University that allows a greater period of time than the medically necessary period, the University will permit the student to take voluntary leave under that policy instead of the student so chooses. When the student returns to the University, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began. Students are still obligated to complete any required coursework and demonstrate they have met the learning objectives.

### 2) Employees

Employees must be able to perform the essential functions of the job with or without accommodations. However, if an employee is unable to perform the essential functions of the

job with or without a reasonable accommodation, an employee will still be deemed qualified for the position and offered a reasonable accommodation provided:

- The inability is “temporary;”
- The employee could perform the functions “in the near future;” and
- The inability to perform the essential functions can be reasonably accommodated.

For example, an employee who is temporarily unable to perform one or more essential functions of their job, and who needs light duty or a change in their work assignments, may be offered such a change as a temporary reasonable accommodation.

Employees can request leave as an accommodation. Employees may take a voluntary leave of absence without pay for a reasonable period of time. Such leave is possible whether the employee has leave pursuant to University policy or if the employee has insufficient leave or accrued employment time to qualify for leave under applicable policy. At the end of a voluntary leave of absence because of pregnancy or related conditions, the University will reinstate the employee to the status held when the leave began or to a comparable position without a decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

## **V. Accommodation Process for Pregnancy-Related Conditions**

Students and employees should contact the appropriate office to begin the accommodation process as soon as possible so that accommodations can be determined and in place in a timely manner. Due to the nature of employment positions, course work, programs, or other institutional opportunities and benefits, the University may not be able to provide certain accommodations retroactively or in time to effectuate the assistance the accommodation would have provided had the accommodation been in place in a timely manner. Thus, the University encourages individuals to seek accommodations in a timely manner and fully engage in the interactive process with the University so that any accommodations can be put in place.

Each reasonable accommodation will be based on the employee or student’s individualized needs and include their input. An individual may accept or decline any accommodation the University offers. If there is more than one reasonable accommodation that would address an individual’s specific needs, then the University will choose whether to offer just one or multiple reasonable accommodations to the individual. If the individual declines an offered accommodation, the University is not required to offer other accommodations for that need. The University will, however, offer reasonable accommodations to meet new or additional needs.

### **1) Students**

- A student who would like to request pregnancy-related accommodations should contact the Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator in writing: Jonathan Cook, [Jonathan.cook@salve.edu](mailto:Jonathan.cook@salve.edu), (401) 341-2640.
- The Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator will obtain initial information from the student.

- Based on the information obtained, the Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator will address the request directly or transfer the request to the Office of Student Accessibility Services.
- The University will work with the student in an interactive process to provide appropriate accommodations.
- The student will provide documentation of the pregnancy or related medical condition to the extent that the University determines it is necessary and reasonable for the University to determine it is necessary to determine the reasonable modifications to make or whether to take other actions. The University will not request documentation if it determines that documentation is not necessary because the student's need for a specific action is obvious, such as where the student has already provided documentation, or the student needs to carry water, use a bigger desk, sit or stand, or take breaks to eat, drink or use the restroom, when the student has lactation needs.
- The Office of Student Accessibility Services Coordinator and/or Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator will work with the student, with input when necessary from the appropriate staff or faculty member, to determine if accommodations are necessary and appropriate. The student may request accommodations.
- The Office of Student Accessibility Services Coordinator and/or Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator will inform the student what accommodations the University can provide. The student does not need to accept the accommodations; however, no accommodations will be permitted unless they have been determined and accepted through this process.
- At the conclusion of the interactive process, the student will receive an "Accommodations Notice" which details the accommodations the University has identified and the student has accepted. No accommodations are permitted except for those identified in the Accommodations Notice.
- Information about a pregnant student's request for accommodations will be shared with administrators and faculty on a limited need-to-know basis and only as necessary to implement the accommodation(s).

## 2) Employees

- Faculty and staff seeking pregnancy-related accommodations should contact the Office of Human Resources at [humanresources@salve.edu](mailto:humanresources@salve.edu).
- The Office of Human Resources will work with the employee in an interactive process to provide appropriate accommodations.
- The employee will provide documentation of the pregnancy or related medical condition to the extent that the University determines it is necessary and reasonable for the University to determine the reasonable modifications to make or whether to take other actions. The University will not request documentation if it determines that documentation is not necessary because the employee's need for a specific action is obvious, such as where the employee has already provided documentation, or needs to carry water, use a bigger desk, sit or stand, or take breaks to eat, drink or use the restroom, when the employee has lactation needs.

- The Office of Human Resources will work with the employee, with input when necessary from the appropriate supervisor or employee, to determine if accommodations are necessary and appropriate. The employee may request accommodations.
- The Office of Human Resources will inform the employee what accommodations the University can provide. The employee does not need to accept the accommodations; however, no accommodations will be permitted unless they have been determined and accepted through this process.
- At the conclusion of the interactive process, the employee will receive an “Accommodations Notice” which details the accommodations the University has identified and the employee has accepted. No accommodations are permitted except for those identified in the Accommodations Notice.
- Information about a pregnant employee’s request for accommodations will be shared with others on a limited need-to-know basis and only as necessary to implement the accommodation(s).

## **VI. Complaints and Questions**

Any member of the University community may report questions, concerns, or possible violations of this Policy to the Office of the Dean of Students/ Title IX and Anti-Discrimination. The Assistant Dean of Students/Title IX and Anti-Discrimination Coordinator is responsible for overseeing complaints of discrimination related to this Policy.

ASSISTANT DEAN OF STUDENTS/TITLE IX AND ANTI-DISCRIMINATION COORDINATOR:  
Jonathan Cook, [Jonathan.cook@salve.edu](mailto:Jonathan.cook@salve.edu), (401) 341-2640